

CRIMINAL DOCKET - U.S. District Court

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned
 OTHER MINOR OFFENSE MO ☐
 OTHER MISDEMEANOR Mis ☐
 FELONY Fel ☒ 1085 4 12-16-76

U.S.

vs. **McLEMORE, MICHAEL (24)**
 8534 E. 25th Street, Tulsa 74112
 PH: 664-5118

Case Filed
 Mo. Day
 05 25
 No. of Def's
 * 2

76-CR-64 - 1

Yr. Docket No. Def.

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

21:841(a)(1) Poss. w/intent to distribute Marihuana I
~~21:841(a)(1) Poss. w/intent to distribute Cocaine II~~

at 10:54 p.m. 4/10/76, 10:54 p.m. 4/10/76

Address: 1754 Broadway, San Francisco, CA 94109

415-936-2467 or 415-858

Surety: Larry Thompson, Midland Insur. Co.
 3801 E. 15, Tulsa 74112

SUPERSEDING
 COUNTS

U.S. MAG. CASE NO. 76-58M

BAIL • RELEASE

AMT ☐ Fugitive
 Denied ☐ Set ☐ Pers. Recog.
 PSA ☐

\$ 20 000 conditions

Date 5-5-76 ☐ 10% Deposit
☒ Surety Bond/C

☒ Bail Not Made ☐ Collateral
☒ Status Changed (See Docket) ☐ 3rd Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 5-4-76	High Risk Date 5-25-76	6-3-76	Trial Set For 7-19-76	Voir Dire 9-24-76
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 6-3-76	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL G. Plea W/Drawn	Trial Began <input type="checkbox"/> J <input checked="" type="checkbox"/> N
First Appearance	In Charging District	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	Final Plea	Trial Ended 9-24-76
			<input type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL	Disposition of Charges 12-16-76 (10-5-76)
				<input checked="" type="checkbox"/> Convicted <input checked="" type="checkbox"/> On All Charges <input type="checkbox"/> Acquired <input type="checkbox"/> On Lesser * Offense(s) <input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP <input type="checkbox"/> On Govern'ts Motion

MAGISTRATE

DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant Issued		5-5-76	MLB/850a	<input type="checkbox"/> DISMISSED
Summons Issued		5-11-76	MLB/850a	<input checked="" type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued	5-5-76	5-11-76	MLB/850a	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT	5-5-76	76-58M		
OFFENSE (In Complaint)	Possession with intent to distribute Marihuana and Cocaine			

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☐ CJA ☒ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Ben F. Baker, Ass't.

John Klenda

Joseph Abraham

Beacon Bldg.

505 Caples Bldg.

Tulsa, OKLA. 74103

El Paso, TX 79901

PH: 584-3521 582-4161

PH: 532-1601 544-7860

* Show last names and suffix numbers of other defendants on same indictment/information.

1976 SUGG (2)

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
5-5		Initial hearing. Bail fixed 20,000 C/S. Preliminary hearing set for 5-11-76 at 9:30 A.M. Deft. remanded to custody of U. S. Marshal in lieu of bond. (MLB-Mag)	
5-6		Hearing on Motion to Reduce Bail. Ben F. Baker present for USA. John Klenda present for deft. Deft. present. Bail reduced to \$15,000 C/S. (MLB-Mag.)	
5-7		Deft. released on \$15,000 surety bond (CSB-Mag)	
5-11		Preliminary hearing. Deft. held for GJ. (MLB-Mag.)	
5-25		Record vote of the Grand Jury Concurring, fld. in Open Court. v	
5-25		Indictment, fld. in Open Court. (Allen E. Barrow, Chief Judge)v	
5-26		MO: Case set for ARRAIGNMENT on 6-3-76 at 10:00 a.m. Deft. granted 10 days to file any & all motions, w/Govt. then granted 5 days to respond. (AEB-J)v -notices mld.	
5-28		Deft. McLemore's notice of arr. setting returned this date. Deft. notified by phone, and gave us new address & phone. New notice mld. this date, cert. v	

IV. PROCEEDINGS (continued)		PAGE TWO		V. EXCLUDABLE DELAY			
DATE	(DOCUMENT NO.)	Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)		
6-3	Case called for arraignment & plea. Deft. present & represented. Govt. represented. Deft. acknow. receipt of indict & is advised of charge & is arraigned. Deft. enters plea of NOT GUILTY to Cts. 1 & 2. Case set for trial on 7-19-76, 9:30 A.M. Deft. to stand on present bond. Deft. given 2 addit'l days to respond to Govt's response & Govt. given 2 days to respond thereafter. (AEB-J)b						
6-7	Notice of appearance of Deft.'s attys. Abraham & Klenda, fld.v						
6-7	Mot. for severance of Defts., fld. v						
6-7	Mot. for evidentiary hrg., fld. v (o)						
6-7	Mot. for discovery & inspection, fld. v						
6-7	Mot. to suppress, fld. v						
6-7	Brief in support of mot. to suppress, fld. v						
6-7	Mot. to produce exculpatory & mitigating evidence, fld. v						
6-7	Brief in support of mot. to produce, etc., fld. v -cps. to Dene						
6-7	Certificate of Good Standing of Dan W. Benedict in re to the U.S. Dist. Ct., W.D. of TX, filed. v						
6-8	Notices re jury trial setting mld. cert. this date. v						
6-15	Response to pretrial motions of defendant, filed.s Cy to Dene.	3	6-15-76	G			
6-21	Deft's motion for leave to depart jurisdiction, filed. O to J.s						
6-21	Deft's responsive brief in support of deft's motion to suppress evidence, filed.s						
6-24	Pltf's response to deft's application to depart jurisdiction, filed.s. <i>copy to Dene</i> evidentiary						
7-12	MO: Case set for/hearing on motion to suppress and applic. to depart jurisdiction on 7-14-76, at 11:00 A.M. (AEB-J)b nts by phone & ml						
7-13	MO: Hearing on motion to suppress & motion to depart jurisdiction passed from 7-14-76, to 7-19-76, at 9:30 A.M. (AEB-J)b nts by phone						
7-13	Order, filed, Granting evidentiary hearing, and Further ordered that motion for discovery & inspection is sustained in part & overruled in part, and Further ordered that motion to product exculpatory & mitigating evidence be & is hereby overruled, as moot, & Further ordered that motion for severance is overruled. (AEB-J)b cps mld						
7-15	Govt's trial memeorandum, filed.k						
7-19,	Case called for hearing on motions. Deft. present & represented. Govt. represented. R. Martin moves for admission of J. Abraham. Mr. Abraham admitted for purpose of this case only. Hearing passed to 7-20-76 at 10:00 A.M. Deft. announces they would waive jury trial. Witnesses recognized back for hear. (AEB-J)b						
FINE AND RESTITUTION PAYMENTS							
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER		

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).B. NARA Exami-
nation (28
U.S.C. 2902).C. State or Federal
trials on other
charges.D. Interlocutory
Appeals.E. Hearings on
pretrial motions.F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).G. Defendant Mo-
tion is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h) (1) (G).H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.I. Prosecution de-
ferred by
mutual agree-
ment.M. Unavailability
of defendant
or essential
witness.N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.O. Period of
NARA Com-
mitment or
Treatment.P. Superseding
indictment
and/or new
charges.R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.T. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendant's
interests).U. Time between
guilty plea and
plea with-
drawal.W. Grand Jury in-
dictment ex-
tended per
3161 (b).

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
'76	(Document No.)				
7-20	Return on U.S. Marshal's Service, Subpoena, fld. Executed by serving Wm. Christensen by serving Bobby Muler in Tulsa on 7-16-76 w/fees of \$4.40. v				
7-21	Return on Subpoena to Produce Document or Object, fld. Served Wm. L. Christiansen in Tulsa on 7-13-76. Fees of \$2.00. v				
7-20	Case called for hearing on deft's motion to depart jurisdiction & to suppress. Deft. present & represented. Govt. represented. Deft. waives presentation of motion to depart jurisdiction. Deft. requests rule be invoked. Ct. invokes rule. Witnesses sworn & testify. Upon request of Deft. Ct. will allow photos of box of Marijuana be admitted after photos are taken. Parties stipulate as to cocaine found in a coat. Hrg. concluded & Ct. takes motion under advisement & will notify parties on 7-22-76 of decision.(AEB-J)b	3	7-20-76	G	30
7-20	MO: Photos of box numbered Deft. ex. 8 & 9. Ct. allows Pltf's ex. 6 admitted.(AEB-J)b				
7-20	Pltf's exhibits 6,8 & 9, filed. b				
7-20	Deft's exhibits 1 thru 9 filed. b (#7 in vault)				
7-23	Order Overruling Deft's motion to suppress, filed. (AEB-J)b cps mld				
8-6	Subpoena to Testify, returned. Executed by serving Wm. Christiansen, Tulsa, OK. on 7-20-76.lm				
8-27	Pltf's mot. to revoke bail of deft., w/ aff. of Walter M. Zablocki, special agent, filed.k o to j				
8-31	Order, filed, revoking Deft's bond & Further Order that bench warrant be issued.(AEB-J)b cps mld	3	8-2-76	M	
8-31	Bench warrant issued. b				
9-13	Subpoena to testify returned and filed. Served Glen Rice on 7-20-76 at Tulsa, Okla.s				
9-16	MO: Case set for trial on 9-24-76, at 10:00 A.M. (AEB-J)b nts by cert ml				
9-16	Pltf's pet. for WHCAP re trial setting of 9-24-76, fld. Writ issued. o to j				
9-16	Order, filed, granting WHCAP. (AEB-J)k				
9-24	Case called for trial. Deft. present & represented. Govt. represented. Deft. placed under oath. Deft. waives jury; waiver signed & filed in open court. Stipulation signed by all parties presented to Ct. Stipulation filed of record in open ct; upon agreement of all parties. Ct. finds Deft. GUILTY to Ct. 1 as charged in the indict. Sentence set 10-5-76, 11:30 AM. Deft. requests Ct. re-set bond. Ct. sets bond at \$10,000. If Deft. makes bond he will be allowed to travel to N.M. in regard to case against him there. Ct. orders Marshal to keep deft. here until sentencing. Deft. remanded to USM.(AEB-J)b				

DATE, '76	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-24	(Document No.) Waiver of Jury trial, Stipulation of Facts and Consent to Non-Jury trial on Count 1 of indictment, filed (Pltf. exhibits 1A,1B,1C,1D,1E,4,5,&7 described herein) 5 & 7 in file; remainder in vault. (AEB-J)b				
10-5	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sent. is pronounced: Judgment & Sentence - Michael McLeMore Atty. Gen. - Observation & study at appropriate classification center or agency, the results of such study to be furnished Ct. w/in 60 days pur. to Fed. Adult Youth Corr. 4216:5010(e). Deft. remanded to USM. (AEB-J)b				
10-5	Judgment & commitment, filed & entered. (AEB-J)b				
10-5	Two c/c of J&C to USM. b				
10-13	J&C, ret. & filed: deft. delivered to FCI, Seagoville, Tx. on 10-8-76. g				
10-13	W/Arrest, ret. & filed: deft. arrested at Tulsa by taking custody from Dep. USM, N. Mex. 9-22-76. g	3	9-22-76	M	23
11-23	Deft's application for permission of the court to make bond, filed. s cy to Dene				
12-2	Order, filed, overruling application of deft. to make bond. (AEB-J)g cps mld.				
12-7	Order, filed, that an ext. of time to and including 12-17-76 is granted for the Federal Correctional Institution, Seagoville, Texas, to complete the study and report pursuant to 18 USC 5010(e) regarding deft. Michael McLemore.s (AEB_J) cps. mld.				
12-13	MO: Case set for definitive sentencing on 12-16-76 at 10:00 a.m. (AEB-J)k ntc by cert ml & phone				
12-16	Case called for definitive sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sent. is pronounced: Judgment & Sentence - Michael McLemore Atty. Gen. - Treatment & supervision until discharged by Fed. YCA as provided by T. 18, USC 4216:5010(b). Deft. advised of right to appeal. Sent. is deferred until 1-25-77, 10:00 A.M., at which time deft. will report to USM. Ct. sets bond at \$10,000 10%. Deft. remanded to USM, until bond is made. (AEB-J)b				
12-16	Judgment & Commitment, filed & entered. (AEB-J)b				
12-16	Two c/c of J & C to USM. b				
12-16	Appearance bond in amt. of \$1,000.00 cash (10%), w/ Order specifying methods & conditions of release, fld.				
12=17	WHCAP, ret. & filed: deft McLemore transported from Taos County Jail, Taos, N. Mex. to Tulsa, Ok, on 9-22-76; and released from custody on 12-16-76, bond having been posted in N.Mex. on 10-12-76. g				
12-23	Notice of appeal by def. by J&C of 12/16/76, filed.rm copy to USCA and US Atty				
12-30	Reporter's transcript of hrg.on mos.& NJ trial,filed.rm				
1-10-77	Designation of record on appeal, filed. rm				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

JUDGE BARROW

Deft. McLemore

76-CR-64 1/2

76-CR-64 1/2

Yr. Docket No. Def.

DATE 1977	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-21	Deft. Michael McLemore's motion for reduction of sentence, filed.s Cy to Dene				
1-21	Brief in support of motion for reduction of sentence, filed.s Cy to Dene				
1-24	Deft's application for an ext. of time of the imposition of sentence set for 1-25-77, filed.s Cy to Dene				
1-24	Reporter's transcript of sentencing proceeding had on 12/16/76, filed. (G. Dorrough-CR)rm				
1-25	Order, filed, that Deft. may refile his Rule 35 mot. w/in 120 days of receipt of the mandate of the appellate Court, and until the mandate is filed and received, the Ct. declines to consider the mot. for modification of sentence on the basis that jurisdiction therefor is lacking during the pendency of the appeal.s (AEB-J) cps. mld.				
	in Open Court				
1-25	Order, fld./ that the appl. for stay of execution of sent. of Deft. McLemore is overruled. Further ordered that the appeal bond of Deft. is set at \$25,000.00, 10%. (AEB-J)v				
1-25	Appeal Bond of Deft. McLemore in the amount of \$25,000.00, 10%, fld. w/conditions of release. (Charles F. Burns, Mag.)v				
1-27	Original record on appeal (2 vols) transmitted to USCA. rm				
5-11	Deft. appl. for permission to leave the jurisdiction of this Ct. to move to San Francisco, Calif. fld. O to J. ho <i>copy to Dene</i>				
6-1	Order, fld. It is ordered that the Deft. Michael McLemore be permitted to leave the jurisdiction of the Northern District of OK. and to move to San Francisco, Calif. and there to live with his mother, Martha Scott McLemore at 1754 Broadway, San Francisco Calif., 94109 and is to obey all the rules and conditions and be supervised the Dept. of Probation. (AEB-J) cps mld. ho				
<u>1978</u>					
3-21	Order, fld. The Ct. has received a report from the probation officer & upon review finds that a show cause hrg. why bond should not be revoked. Hrg. is set for 3-30-78 at 11:00 a.m.. It is ordered the Clk. of the Ct. to give notice of hrg. to the Deft., his counsel & surety, & the U.S. Atty. (AEB-J)ho c/m				
3-30	Case called for show cause hearing why bond should not be revoked. Deft. pres. & rep. Govt. rep. Govt. requests bond be revoked. Statements made by both counsel. Prob. officer, Jerry Baines makes report to Court. Ct. revokes bond, at no loss to deft's mother, & reset higher bond at \$25,000 10%, with understanding deft. will report to USM in Tulsa, OK on 4-11-78, at 12:00 noon. Ct. orders 90 day progress report once deft. begins to serve time. Deft. remanded to USM, until bond is made.(AEB-J)b				
3-30	MO:By Order of the Court, bond amount is increased to \$35,000.00 10%.(AEB-J)b				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
3-30-78	Appearance bond in Amt. of \$35,000 10%, filed, w/order spec. methods & conditions of release. b				
4-4-78	Order, filed, that Deft. is to report to U.S. Marshal on April 11, 1978, at 12:00 noon, and that Court be furnished 90 day progress report on deft. (AEB-J)b cps mld				
4-10-78	Sub. ret. & filed: served Wm. Christensen 3/28/78/ g				
4-13	Mandate and opinion of 10th Circuit, filed and spread of record, affirming ct.'s judg. of 12/16/76.rm (deft. already incarcerated)				
4-18-78	J&C ret. & filed. Deft. delivered to FCI, El Reno, OK on 4-13-78.ho				
5-2-78	Deft. appl. to exonerate bond. fld. ho 0 to J.				
5-12-78	Orig. appeal record received from USCA.rm				
5-12	Order, filed, directing Clerk to refund cash bonds to Cyndy Leeper in amt. of \$1,000, to Michael McLemore in amt. of \$1,500, and to Martha Scott McLemore in amt. of \$1,000. (AEB-J)k cpy & cks mld				
5-31	Reporters transcript of proceedings had on 3-30-78 before Judge Barrow, Bond Hrg. (GRD-CSR)fld. 47 pgs.ho				
6-22-78	Motion for reduction of sentence pursuant to R. 38, filed. g				
6-22-78	Brief in support of mot. for reduction of sentence, filed. g <i>guy to have</i>				
8-2-78	Deft. mot. to vacate, fld. ho (78-C-354-B)				
8-15-78	Order, fld. & entered, It is ordered that the mot. pursuant to 28 USC 2255 of Michael McLemore is overruled & dismissed. It is further ordered that the sentence of Michael McLemore imposed 12-16-76 & commenced 4-11-78 is modified as follows: The Deft. Michael McLemore, is hereby committed to the custody of the Atty. Gen. or his authorized rep. for a period of 3 years pursuant to 21 USC §841(b)(1)(B), 6 months to be served in a jail-type institution & the remainder to be served on probation as provided by 18 USC §3651. The term of imprisonment shall be followed by a special parole term of 2 years in addition to the term of imprisonment & probation. (AEB-J)ho c/m 78-c354-B				
1979 1-17	Order, filed, that U.S. Court Clerk return to respective parties all remaining exhibits in his possession, w/receipt signed by W. M. Zablocki (D.E.A.) accepting pltf's exhibits containing marijuana. (AEB-J)hm (cpy. to U.S. Atty.)				
1980 4-17	PETITION of Probation and ORDER granting petition for arrest of deft. for probation violation. (HDC-J)rm-w/i				
4-24	RETURN on warrant for arrest of Probationer, executed by arresting Deft. on 4-18-80 in Corpus Christi, TX. ho				
9-9-80	TRANSFER OF JURISDICTION of probation, transcript sent to S.D. of TX, Corpus Christi. (HDC-J)ho c/m				
3-24-83	EXHIBITS returned to counsel. hm				

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.
 OTHER MINOR OFFENSE MO ☐ 8509
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ 1085 4 District Office 5-22-78

vs. SUGG, ROBERT MICHAEL (33)
 828 N. Delaware, Tulsa 74110
 PH: 939-9895
 (LAST, FIRST, MIDDLE)

Case Filed
 Mo. Day
 05 25
 No. of Def's
 * 2

76-CR-64 - 2

Yr. Docket No. Def.

U.S. TITLE/SECTION OFFENSES CHARGED ORIGINAL COUNTS
 21:841(a)(1) Poss. w/intent to distribute Marihuana I
 21:841(a)(1) Poss. w/ intent to distribute Cocaine II

cl 1: 5 pm +/w 4/15/76
 cl 2: 15 pm 4/15/76

Surety: Larry Thompson, Midland Insurance Co.
 3801 E. 15, Tulsa 74112

U.S. MAG. CASE NO. 76-58M

BAIL • RELEASE

AMT ☐ Fugitive
 Denied ☐ Pers. Recog.
 Set ☐ PSA

\$ 20 000 conditions

Date 5-5-76 ☐ 10% Deposit
☒ Surety Bond/C

☒ Bail Not Made ☐ Collateral
☒ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 5-4-76	High Risk Date 5-25-76	6-3-76	Trial Set For 6-3-76	Disposition of Charges 5-22-78
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 6-3-76	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL	<input checked="" type="checkbox"/> Convicted
First Appearance	In Charging District	Final Plea 6-3-76	<input type="checkbox"/> G. Plea <input type="checkbox"/> W/Drawn	<input type="checkbox"/> Acquired
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>		<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL	<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
				<input type="checkbox"/> On Govern'm's Motion

MAGISTRATE		OUTCOME:
Search Warrant Issued	DATE 5-5-76	DISMISSED
Return	INITIAL/NO. MLB/850a	<input checked="" type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons Issued	DATE 5-11-76	
Served	DATE 5-11-76	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
Arrest Warrant Issued	DATE 5-5-76	
COMPLAINT	DATE 5-5-76	
OFFENSE (In Complaint)	Possession with intent to distribute Marihuana and Cocaine	

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☐ CJA ☒ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Ben F. Baker, Ass't.

Rabon Martin
 Mayo Bldg.
 Tulsa, OK 74103

PH: 587-1168

* Show last names and suffix numbers of other defendants on same indictment/information:

1976 McLEMORE (1)

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY
5-5		Initial hearing. Bail fixed \$20,00 C/S. Preliminary hearing set for 5-11-76 at 9:30 A.M. Deft. remanded to custody of U. S. Marshal in lieu of bond. (MLB-Mag)	(a) (b) (c) (d)
5-6		Hearing on Motion to Reduce Bail. Ben F. Baker present for USA. John Klenda present for def. Deft. present. Motion to Reduce Bail denied. (MLB-Mag.)	1 5-6-76 E 1
5-11		Preliminary hearing. Deft. held for GJ. (MLB-Mag.)	5-6-76
5-13		Deft. released on \$20,000 surety bond. (MLB-Mag.) kt	
5-25		Record vote of the Grand Jury Concurring, fld. in Open Court. v	
5-25		Indictment, fld. in Open Court. (Allen E. Barrow, Chief Judge)v	
5-26		MO: Case set for ARRAIGNMENT on 6-3-76 at 10:00 a.m. Deft. granted 10 days to file any & all motions, w/Govt. then granted 5 days to respond. (AEB-J)v -notices mld.	

Michael Robert Sugg - 76-CR-64

Parents: 701 Hemlock
 Van Buren, Ark.
 Phone: 501-474-5188

Ct. 1 - Sent. 10/5/76
 Ct. 2 - Dismissed 5/22/78

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				Total Days (d)	For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)
			Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)			
6-3-	Case called for arraignment & plea. Deft. present & represented. Govt represented. Deft. advised of charge & acknow. receipt of indict & is arraigned. Deft. enters plea of NOT GUILTY to Cts. 1 & 2. Case set for trial on 7-19-76, at 9:30 A.M. Deft. requests add'l 10 days to file motion & Ct. overrules. Deft. given add'l 2 days to respond to Govt's response & Govt. given 2 day to respond thereafter. Deft. requests permission to travel to Ark. for weekend visit w/parents. Ct. allows. Deft. to stand on present bond. (AEB-J)b							A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
6-7	Deft's mot. to strike and mot. in limine and combined brief, filed.k							B. NARA Examination (28 U.S.C. 2902).
6-7	Deft's mot. to suppress, filed.k							C. State or Federal trials on other charges.
6-7	Deft's mot. to dismiss, filed.k							D. Interlocutory Appeals.
6-7	Deft's mot. for the production of evidence favorable to the deft. and supporting brief, filed.k							E. Hearings on pretrial motions.
6-7	Deft's mot. and brief for sample of alleged cocaine, filed.k							F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
6-7	Deft's mot. for additional time of 15 days to file pre-trial motions with supporting briefs, filed with supporting brief and affidavit of deft. k 0 to J							G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
6-8	Notices re jury trial setting mld. cert. this date. v							H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
6-15	Pltf's response to pretrial motions, filed.s Cy to Dene.		3	6-15-76	G			I. Prosecution deferred by mutual agreement.
6-24	Order, filed, granting deft. until 6-30-76 to file pretrial motions, and Govt. directed to file responsive briefs thereto within 5 days. (AEB-J)g cp. mld.							M. Unavailability of defendant or essential witness.
6-30	Brief in support of motion to suppress, filed. g							N. Period of mental or physical incompetence of defendant to stand trial.
6-30	Brief in support of motion to dismiss, filed. g							O. Period of NARA Commitment or Treatment.
6-30	Request for evidential hearing, filed. g							P. Superseding indictment and/or new charges.
7-12	MO: Case set for evidentiary hearing on motion to suppress on 7-14-76, at 11:00 A.M. (AEB-J)b nts by phone & m1							R. Defendant awaiting trial of Co-defendant when no severance has been granted.
7-12	Deft's reply to Govt's response to mot. to strike & motion in limine, filed.k cpy to Dene							
7-13	MO: Hearing on motion to suppress passed from 7-14-76 to 7-19-76, at 9:30 A.M. (AEB-J)b nts by phone							
7-13	Order, filed, Granting evidentiary hearing, and Further Ordered that motion to dismiss is overruled, and Further Ordered that motion for production of of evidence is overruled as moot, and Further Ordered that motion to strike & in limine is overruled. (AEB-J)b cps mld		3	7-13-76	G	29		T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants interests).
7-14	Subpoenae, ret. & filed: served Agt. Shannon, DEA, U. S. Marshal Harry Connelly, William Christensen, on 7-13-76; unserved as to Walter Zabalocki, DEA. g							U. Time between guilty plea and plea withdrawal.
7-15	Govt's trial memorandum, filed.k							V. Grand Jury indictment extended per 3161 (b).

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs Robert Michael Sugg

76-CR-64-B

Yr. Docket No. Def.

DATE 1976	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7-16	Exhibit affidavit, filed. b				
7-19	Case called for hearing on motion. Deft. present & represented. Govt. represented. Hearing passed to 7-20-76, at 10:00 A.M. Witnesses recognized back. Deft. announce they would waive jury trial.(AEB-J)b				
7-20	Return on U.S. Marshal's Service, Subpoena, fld. Executed by serving Wm. Christensen by serving Bobby Muler in Tulsa on 7-16-76 w/fees of \$4.40. v				
7-21	Return on Subpoena to Produce Document or Object, fld. Served Wm. L. Christiansen in Tulsa on 7-13-76. Fees of \$2.00. v -pldg. in 76-CR-64-1.				
7-20	Case called for hearing deft's motion to suppress. Deft. present & represented. Govt. represented. Deft co. makes statement. Deft requests rule be invoked. Ct. invokes rule. Witnesses sworn & testify. Upon request of Deft., Ct. will allow photos of box of marijuana be admitted after photos are taken. Parties stipulate as to cocaine found in a coat. Hearing concluded & Ct. takes motion under advisement & will notify parties on 7-22-76 of decision.(AEB-J)b	3	7-20-76	G	
7-20	MO: Photos of box numbered Deft. ex. 8 & 9. Ct. allows Pltf's ex. 6 admitted.(AEB-J)b				
7-20	Pltf's exhibits 6,8 & 9, filed. b				
7-20	Deft's exhibits 1 thru 9 filed. b (#7 in vault)				
7-23	Order Overruling Deft's motion to suppress, filed. (AEB-J)b cps mld	3	7-23-76	G	4
9-13	Subpoena to testify returned and filed. Served Glen Rice on 7-20-76 at Tulsa, Okla.s				
9-16	MO: Case set for trial on 9-24-76, at 10:00 AM. (AEB-J)b nts by cert ml				
9-24-76	Case called for trial. Deft. present & represented. Govt. represented. Deft. placed under oath. Deft. waives jury; waiver signed & filed in open court. Stipulation signed by all parties presented to Ct. Stipulation filed of record in open court, upon agreement of all parties. Ct. finds deft. GUILTY as charged to Ct. 1 of indict. Deft. waives speedy trial as to Ct. 2 of indict. Ct. accepts waiver. Procedure on Ct. 2 will be announced by Ct. at later date.Sent. set on 10-5-76, 11:30 A.M. Deft. requests to be sentenced separately from Deft. McLemore. Ct. agrees. Deft's bond continued.(AEB-J)b				
9-24	Waiver of Jury trial, Stipulation of Fact & Consent to Non-Jury trial on Count 1 of indictment, filed (Pltf. exhibits 1A,1B,1C,1D,1E,4,5 & 7 described herein) 5 & 7 in file; remainder in vault.(AEB-J)b				
10-5	Case called for sentencing in Ct. 1 of indict. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sent. is pronounced: Judgment & Sentence - Robert Michael Sugg				
(CONTINUED)					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

SUGG

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
10-5-cont'd	(Document No.) Ct. 1 - Atty. Gen. - Thirty (30) months, & on the condition that Deft. be confined in jail type instit. for period of One(1) month, the execution of the remainder of sent. of imprisonment is hereby suspended & deft. is placed on prob. for Twenty-nine (29) months. IT IS FURTHER adjudged that Deft. be given credit for nine (9) days spent in jail before posting bond. FURTHER ADJUDGED that Deft. is sentenced to a special parole term of two (2) years to commence at expiration of sent. imposed herein. FURTHER ADJUDGED that execution of sent. is deferred until 10-19-76, 9:30 A.M., at which time deft. is to present himself to USM, if written notice of appeal has not been filed with Ct. Bond remains same.(AEB-J)b				
10-5	Judgment & Sentence, filed & entered.(AEB-J)b				
10-5	Two c/c of J&C to USM. b				
10-5	Two c/c of J&C to probation. b				
10-14	Deft's notice of appeal, filed.s(copy to USCA)				
10-14	Deft's designation of record of appeal, filed.s				
10-22	Deft's counter-designation of record, filed.s				
11-22	Appl. of def. for extension of time to prepare and file record on appeal, filed. rm				
11-22	Order, filed, granting to 1/2/77 to prepare and file original record on appeal (AFB-J)rm-copies to USCA and counsel				
12-30	Reporter's transcript of all proceedings, filed. (G. Dorrough-CR)rm				
1-3-77	Appeal record (2 vols) transmitted to USCA. rm				
5-12-78	Mandate and Opinion of the 10th Circuit, filed and spread of record, affirming ct.'s judg. of 10/5/76, and directing deft. to surrender within 10 days from this date. rm				
5-12-78	Orig. appeal record (2 vols) recd. from USCA.rm				
5-17-78	Deft. mot. for reduction of sentence, fld. ho				
5-22-78	Order for Dismissal of Count Two of the Indictment, filed & entered.(AEB-J)b cps mld				
5-22-78	Deft. appl. for hrg. fld. ho 0 to J.				
5-26-78	J&C, ret. & fld: deft. Sugg delivered to Rogers County Jail, Claremore, Ok. on 5-23-78. g				
5-30-78	Order, fld.& entered It is ordered that the appl. for hrg. on the Rule 35 mot. is overruled. It is further ordered that the judgment & sentence entered herein against Robt. Michael Sugg on 10-5-76 is reduced & modified from one month jail-type custody to jail time served to date. It is the intent of this order that Robt. Michael Sugg be released from jail-type custody forthwith to commence his 29 months probation, said probationary period to be followed by 2 years special parole term pursuant to 21 USC §841(b)(1)(B). (AEB-J)ho c/m				